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Attorneys for Plaintiffs
World Trade Center Properties LLC
1 World Trade Center LLC
2 World Trade Center LLC
3 World Trade Center LLC
4 World Trade Center LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
	:	
IN RE SEPTEMBER 11 PROPERTY DAMAGE	:	<u>NOTICE OF CROSS-MOTION</u>
AND BUSINESS LOSS LITIGATION	:	
	:	This document also relates to:
	:	08 CIV 3719
-----	x	08 CIV 3722

PLEASE TAKE NOTICE that, upon the annexed Declaration in Support of Cross-Motion To Strike Inadmissible Materials in the Aviation Defendants' Motion for Summary Judgment Based on CPLR 4545(c), executed August 18, 2008 by Jason T. Cohen, and the accompanying Memorandum of Law in Support of Cross-Motion To Strike Inadmissible Materials in the Aviation Defendants' Motion for Summary Judgment Based on CPLR 4545(c), and upon all prior pleadings and proceedings had herein, Plaintiffs World Trade Center Properties LLC, 1 World Trade Center LLC, 2 World Trade Center LLC, 3 World Trade Center LLC, and 4 World Trade Center LLC (collectively "WTCP"), by their attorneys, Flemming Zulack Williamson Zauderer LLP, will move this Court for an Order, pursuant to Fed. R. Civ. P. 56 (e), striking the following inadmissible materials submitted by the Aviation Defendants in support of their motion for summary judgment: Exhibits A-1, A-2, A-3, B, B-1, B-2, B-3, C, E, F, G, Q, R, T, U & X to the Declaration of Desmond T. Barry, Jr., executed June 20, 2008; and the Declaration of Rajiv Gokhale in Support of Aviation Defendants' Memorandum of Law in

Support of Their Motion for Summary Judgment Dismissing All Claims for the Destruction of WTC 1, 2, 4, and 5, executed June 20, 2008.

Pursuant to Local Civil Rule 6.1(b), opposing affidavits or memoranda of law, if any, shall be served within ten business days after the service of these moving papers, and any reply affidavits or memoranda of law shall be served within five business days after the service of such answering papers. Pursuant to Local Civil Rule 6.1(c) and to Rule 2(D) of the Individual Rules of the Honorable Alvin K. Hellerstein, no oral argument shall be had on this cross-motion unless directed by further order of this Court.

Dated: August 18, 2008
New York, New York

FLEMMING ZULACK WILLIAMSON
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By: 

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